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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,798	08/13/2001	Min-Ho Song	678-677 (P9669)	8091
66547 7590 06/07/2007 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553			EXAMINER HAILU, TADESSE	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 06/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/928,798	Applicant(s) SONG, MIN-HO	
	Examiner Tadesse Hailu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1 and 2 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the AMENDMENT submitted March 12, 2007.
2. The pending claims 1-2 are examined herein as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim, Seng-Wook et al (European Patent Application Publication No. (EP 1039 768 A2) in view of Kinnunen et al (2001/0021649).

Mobile messaging encompasses a number of technologies and services enabling the exchange of messages between mobile users. The present invention is an improvement over the existing mobile messaging, that is, Short Messaging Service (SMS). The service allows the transfer of short text messages between mobile users. Similarly, Sim et al (EP 1 039 768 A2) is also directed to the same invention. Consequently Sim et al also anticipates the claims of the current invention.

With regard to claim 1:

As illustrated in Figs. 5, 6A and 6B and as described in paragraphs [0051]-[0058], Sim discloses a method similar with the present invention, that is, Sim discloses

a method of transmitting data, such as graphic data (using a data transmitting apparatus of Fig. 2) for a digital mobile phone using a short message service (SMS). The method of Sim also discloses data storage section for storing the transmitted and received short message service blocks (Fig. 2, #28, [0025], [0032]).

The method also discloses selecting and reading out the graphic data out of a plurality of stored graphic data for transmission (Sim, paragraphs 52 and 53).

The method also discloses views illustrating the display state, displaying the selected image file on a display of the mobile phone (see Fig. 9A, the third screen, wherein the selected [1]: A is displayed for read out, also see paragraphs 52-53).

The method also discloses confirming the displayed image by marking or selecting the graphic data, e.g., the selection [1]: A, the user desires to transmit to another device (Fig. 9 A, third screen, paragraphs 53-54). As illustrated in Fig. 9, the user accepts or confirms the displayed graphic data to be transmitted to the indicated/displayed destination.

The method also discloses inputting (or accepting) originating and terminating (destination) phone numbers in which information is exchanged (Sim, paragraph 52).

The method further discloses transmitting the SMS message having graphic data and header information (or user data) for indicating (or visually recognize) to the receiver phone the type of data received (Sim, paragraph 54).

As illustrated in Figs. 7, 8A and 8A and as described in paragraphs [0059]-[0067], Sim discloses a method similar with the present invention, that is, Sim discloses a method of receiving data, such as graphic data (using a data receiving apparatus of Fig. 3) for a digital mobile phone using a short message service (SMS). As described in the above paragraphs, especially in paragraph 61, Sim describes the receiving step recited in the claim, receiving the transmitted SMS message having data of the image file or graphic data and the header information (as shown in Fig. 4) in the received mobile phone having memory (fig. 3, #33) for storing image file. Sim also describes, especially in paragraph 62, storing the received graphic data in permanent storage location (e.g., memory 33).

Furthermore, Sim describes flash memory (38) or temporary storage section 38 for storing the graphic data (par. 46). While Sim discloses outputting graphic image (Fig. 9A), Sim, however, does not describe outputting an alarm and displaying a predetermined icon for SMS message having data of the image file if the header information indicates the image message. Kinnunen discloses a user interface for a radiotelephone. Kinnunen further discloses that the receiver is initially presented with a message header screen 11 (FIG. 3) setting out details 12 of the message including warnings of any content which may alarm or otherwise disturb the recipient such as the presence of loud sounds and the like. The message header might also list the requirements for reading the file. For example, the file may contain a video clip that may be displayed on a television (par. 21). Thus, the header information indicates what type of content the handset has received or outputted. The header information in this

regard serves as a feedback to the user. Kinnunen and Sim are analogous art because they are from the same field of endeavor, data communication via mobile phone. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the above teaching of Kinnunen with Sim so that based on the alarm received in the header information, that serves as a feedback or notification, the user will know what type of data he/she is dealing with or interacting with without surprising himself/herself. Therefore, it would have been obvious to combine Kinnunen with Sim to obtain the invention as specified in claim 1.

With regard to claim 2:

Sim in view of Kinnunen further discloses transmitting the graphic data in a plurality of repeated (successive) SMS message block (Fig. 4) if the data amount of the graphic data is judged to exceed the final bit allowed for the SMS block (Sim, Figs. 6A and 6B, paragraphs 25, 39, and 57).

Response to Arguments

4. Applicant's arguments filed March 16, 2007 have been fully considered but they are not persuasive.

The applicant states and argues as follows: Although Sim discloses a memory (e.g. 23 of Fig. 2, 33 of Fig. 3, 38 of Fig. 3 Flash), Sim does not expressly articulate, or fairly suggest "assigning a name according to a receiving user request before permanently storing the image file." The above quotation/argument is not exactly as claimed. Closely reading the amended limitation of claim 1 recites "storing the image file

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after assigning it a name in accordance with a receiving user request." Sim describes, at least in paragraph 62, storing the received graphic data (of course data is stored with an identifier or name) in permanent storage location (e.g., memory 33).

The applicant also argues in addressing "outputting an alarm and displaying a predetermined icon for SMS message having data of the image file if the header information indicates the image message, and temporarily storing the image in the memory." (emphasis added) limitation, the Examiner conveniently failed to associate the temporary storage of file in conjunction with outputting an alarm. The applicant further argues that "while Kinnunen might display a warning, this is not outputting an alarm as recited in Claim 1." In contrast to the applicant's argument, the combined teaching of Sim with Kinnunen teach the "outputting" step recited in the claim. Both Sim and Kinnunen disclose header information, the header information indicates what type of content the handset has received or outputted. The header information in this regard serves as a feedback to the user, such as outputting an alarm and/or displaying a predetermined object or icon as indicated by Kinnunen. Kinnunen further discloses that the receiver is initially presented with a message header screen 11 (FIG. 3) setting out details 12 of the message including warnings of any content which may alarm or otherwise disturb the recipient such as the presence of loud sounds and the like. Thus, Kinnunen discloses outputting an alarm as recited in Claim 1.

Having fully addressed/traversed the applicant's argument, the rejection still stands, claims 1 and 2 are rejected.

CONCLUSION

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

7. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private –PAIR or Public-PAIR. Status

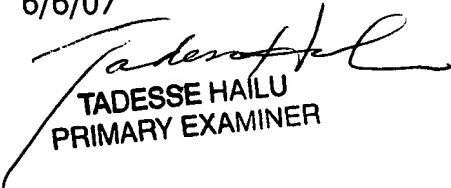
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information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see pair-direct.uspto.gov web site.

Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

Examiner Tadesse Hailu
Art Unit 2173 – Operator Interface
6/6/07


TADESSE HAILU
PRIMARY EXAMINER